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Addendum to Environmental Impact Report

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Addendum Date:	June 5, 2008
Case No.:	**1998.902E**
Project Title:	**505-525 Howard Street – Foundry Square Area 3 Development at First and Howard Streets**
EIR:	SCL No. 99032088, certified January 13, 2000
BPA Nos.:	2006.1031.6514
Zoning:	C-3-O(SD) (Downtown Office) Special Use District 200/350-S Height and Bulk District
Block/Lots:	3736/121, 114
Lot Sizes:	29,698 and 8,250 square feet
	huck Noll, Wilson Meany Sullivan
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rt of the modified project.

REMARKS:

On January 13, 2000, the San Francisco City Planning Commission certified the *First and Howard Streets Project Final Environmental Impact Report* (FEIR). The 2000 FEIR evaluated a project consisting of four office buildings and associated ground floor retail and parking on whole or partial blocks forming four corners of the intersection of First and Howard Streets. These four corners are designated in the FEIR as "Area 1," "Area 2," "Area 3," and "Area 4," beginning with the northeastern corner and continuing clockwise. The buildings are referred to as "Building 1," "Building 2," "Building 3," and "Building 4," within Areas 1 through 4, respectively. The four Areas were master-planned as a phased urban office complex with a consistent architectural theme and identity. After the FEIR was certified, the project sponsor proposed
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Block/Lots:	3736/121, 114
Lot Sizes:	29,698 and 8,250 square feet
Project Sponsor	Chuck Noll, Wilson Meany Sullivan 415 905-5390
Lead Agency:	San Francisco Planning Department
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PROJECT DESCRIPTION:

This addendum considers the modification of the Building 3 component of the approved four-building Foundry Square development project (the "original project"), to include approximately 74,200 gross square feet (gsf) additional office space and 1,882 gsf less retail space than originally evaluated for Building 3 in the Final Environmental Impact Report (FEIR) for the original project. The proposed project modification ("modified project" or "modification") involves merging the original 29,698-square foot (sq ft) parcel located at 505 Howard Street, the original project site for Building 3, with the 8,250-sq ft parcel to the west (at 525 Howard Street), resulting in an expansion of the building footprint by 7,920 sq ft, an increase in total building area fromapproximately 189,700 gsf to approximately 262,018 gsf and an increased height of 3 feet 10 inches over the conditions analyzed in the original project FEIR. The original Area 3 project site, together with the additional parcel, would form a "modified" or "combined" project site totaling 37,948 sq ft. The 525 Howard Street parcel is presently the site of a one-story concrete industrial building constructed in 1921 that would be demolished as part of the modified project.

REMARKS:

On January 13, 2000, the San Francisco City Planning Commission certified the *First and Howard Streets Project Final Environmental Impact Report* (FEIR). The 2000 FEIR evaluated a project consisting of four office buildings and associated ground floor retail and parking on whole or partial blocks forming four corners of the intersection of First and Howard Streets. These four corners are designated in the FEIR as "Area 1," "Area 2," "Area 3," and "Area 4," beginning with the northeastern corner and continuing clockwise. The buildings are referred to as "Building 1," "Building 2," "Building 3," and "Building 4," within Areas 1 through 4, respectively. The four Areas were master-planned as a phased urban office complex with a consistent architectural theme and identity. After the FEIR was certified, the project sponsor proposed changes to the project that increased the office use total from 1,140,845 gsf to 1,149,000 gsf and increased the retail from 46,772 gsf to 47,000 gsf. The breakdown was as follows (office/retail): Building 1 (295,000/14,200), Building 2 (460,000/19,000), Building 3 (178,000/7,400), and Building 4 (216,000/6,400). On February 15, 2000 the Planning Department issued a memorandum approving the proposed project changes

(Continued on next page)

Remarks (CONTINUED)

and affirming that such revisions would not alter the conclusions in the FEIR.[1] In March 2000 and January 2001 the City Planning Commission granted approvals for the four buildings under Sections 309 and 321 of the San Francisco Planning Code ("Code").[2] Buildings 2 and 4 have been constructed and are currently occupied. Building 1 is now substantially complete. Building 3 has not yet been constructed and is the subject of this addendum.

The modified project would require new City Planning Commission approvals as follows: review and exceptions under Planning Code Section 309 for exceeding the maximum permitted diagonal dimension and the maximum permitted floor plate size on the top three floors and new office square footage allocation under Planning Code Sections 321 and 322.

According to project architect measurements, the actual gross square footages of the three buildings built to date are as follows (office/retail): Building 1 (294,389/8,767), Building 2 (440,337/18,373), and Building 4 (207,679/7,311). Accordingly, as compared to the FEIR analysis, the three buildings total 942,405 gsf of office space, or 705 gsf more office space for these three buildings than that evaluated in the FEIR (but within the gsf numbers approved by Motion Nos. 15005, 15006 and 16069) and 34,451 gsf of retail space, or 10,149 gsf less retail space than evaluated in the FEIR for the three buildings.

Proposed Revisions to Approved Project (Building 3)

The proposed project modification would change the Building 3 component of the four-building Foundry Square development project to accommodate approximately 74,200 gsf more office space and approximately 1,882 gsf less retail space than that previously evaluated for Building 3 in the FEIR, for a total of approximately 252,500 gsf of office and 9,518 gsf of retail. The proposed project modification involves the expansion of the Building 3 footprint and the addition of one story to the building. The building would extend approximately an additional 48 feet along Howard Street to the west under the proposed modification; some separation from the western edge of the parcel would be maintained along the new property line of Building 3.

Building 3 was the only nine-story building in the original four-building project. (By contrast, Buildings 1, 2, and 4 are all 10 stories high and 161 feet in height). Building 3 was proposed for nine stories due to its relatively small footprint. The modification is the result of the addition of an approximately 8,250 sq ft parcel adjacent to the west of the original project site, resulting in a building footprint increase of 7,920 sq ft, for a total footprint of 30,678 sq ft.[3] The modification's additional story would result in a height increase of 3 feet 10 inches from approximately 157 feet to 160 feet 10 inches. The proposed additional story would result in a relatively small increase to the approved building height because much of it would be absorbed within evaluated and authorized height and bulk of the original project, including a rooftop mechanical penthouse that is no longer proposed.

At a proposed height of approximately 160 feet 10 inches, Building 3 would remain within the 200/350-S height controls. However, the modified project requires exceptions to bulk limit requirements as set forth under Planning Code Sections 270 and 272. The proposed project modification would increase the building's lateral dimension by approximately 50 feet to the west. Planning Code Section 270 regulates the height and massing of tall buildings by dividing the structure into three height zones. In the case of

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[1] This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[2] Planning Commission Motion Nos. 15005, 15006, and 16069.

[3] The 29,698-sq ft site at 505 Howard Street less 6,940 sq ft of open space equals a 22,758 sq ft footprint, plus an additional 7,920-sq ft footprint for 525 Howard for a total of 30,678 sq ft

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Building 3, the first 103 feet of height would be characterized as "the base." That area above 103 feet and up to 160 feet would be the "lower tower," and that area above 160 feet would be the "upper tower." The lower tower controls under Planning Code Section 270 apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater) and up to a height of 160 feet. The widest abutting streets (Howard Street and First Street) are both approximately 82 feet 6 inches wide. Therefore, the lower tower controls apply to the modified project above the height of 103 feet, or starting at approximately the 8th floor of Building 3. The lower tower maximum permitted dimension is 160 feet and the proposed dimension is 150 feet. The maximum permitted diagonal dimension is 190 feet and the proposed dimension is 208 feet. The maximum permitted floor plate size is 20,000 square feet. The modified project, with a proposed 20,888 sq ft on the 8th floor, and 20,915 sq ft on both the 9th and 10th floors, would exceed the permitted floor plate allowance by 888 sf ft on the 8th floor and 915 sq ft on the 9th and 10th floors, for a total of 2,718 sq ft. Therefore, the modified project would require a Section 309 exception to two these requirements, as was granted for Buildings 1 and 2.

The modified project would contain approximately 252,500 gsf of office use and, therefore, would require three off-street freight loading spaces as outlined by Planning Code Section 153.[4], Planning Code Section 153(a)(6) allows for, in C-3 and South of Market Districts, the substitution of one off-street freight loading space for two service vehicle spaces. The project applicant ahs proposed such a substitution, and the modified project would thus provide a total of two off-street freight loading spaces and two service vehicle spaces to be located in the parking garage.

The artwork and streetscape plans would remain unchanged from the original project except that more sidewalk area would replaced with new sidewalk and street trees due to the increase in street frontage. The amount of open space would remain in excess of Code requirements with approximately 6,940 sq ft of publicly-accessible open space (approximately 440 sq ft more open space than that proposed as part of the original project) to be provided in perpetuity. Accommodations for vehicular and pedestrian access, and refuse pickup would remain unchanged.

The modified project would result in a parking area of approximately 21,975 gsf (100 valet spaces), as compared to 16,730 gsf of parking area (78 valet spaces) granted in the original approval. However, the FEIR analyzed a project having 44,400 gsf of parking area (207 valet spaces), and therefore, the modified project's proposed parking area would represent a reduction from the conditions analyzed for Building 3 in the FEIR, but would represent an increase over the quantity granted in the original approval.

The modified project would provide four disabled parking spaces as required by 2007 California Building Code Section 1129B. Further, the modified project would include four parking spaces designated as "preferred" parking spaces for high occupancy commute vehicles, car share program vehicles, and low-emissions vehicles.

Although Planning Code Section 155.4 requires that only 12 bicycle spaces be provided, the modified project would include four Class 1 bike lockers and three Class 2 bike racks with a capacity for up to 24 bicycles. Planning Code Section 155.3 requires that the modified project provide four showers and eight clothes lockers total. Three showers and 12 clothes lockers would be provided within separate-sex locker rooms for a total of 6 showers and 24 clothes lockers.

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[4] The 2.52 off-street freight loading spaces calculated as required based on gsf would be rounded up to three spaces as outlined by Planning Code Section 153.

ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS:

San Francisco Administrative Code Section 31.19(c)(1) states that a modified project must be reevaluated and that "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter."

California Environmental Quality Act (CEQA) Guidelines Section 15164 provides for the use of an addendum to document the basis for a lead agency's decision not to require a Subsequent or Supplemental EIR for a project that is already adequately covered in an existing certified EIR. The lead agency's decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present.

The Initial Study and the FEIR for the Foundry Square project evaluated the potential impact of construction and operation of the original project and found that, with implementation of mitigation measures, the original project would result in a less-than-significant effect on the environment in the areas of land use, visual quality, population, transportation (including transit), noise, shadows, wind, utilities/public services, biology, geology/topography, water, energy/natural resources and hazards. The FEIR also found that the original project would result in significant and unavoidable project-specific and cumulative traffic impacts, project-specific and cumulative air quality impacts, and historic architectural resources impacts (due to demolition of the 401 Howard and 218 Fremont Streets buildings previously located on the Building 2 site). Since certification of the FEIR, no changes have occurred in the circumstances under which the original project or the proposed project modification would be undertaken, and no new information has emerged that would materially change the analyses or conclusions set forth in the FEIR. Further, proposed changes to the original project would not result in any new significant environmental effects or a substantial increase in the significance of previously identified effects. The effects of the original project and the proposed project modification would be substantially the same. The following discussion provides the basis for this conclusion.

Land Use, Zoning and Plan Consistency

The proposed Building 3 would be located at First and Howard Streets (Block 3736, Lot 121). The location is about two blocks south of Market Street and one block south of the Transbay Transit Terminal, midway between San Francisco Bay to the east and the Yerba Buena Center Redevelopment Area to the west of Second Street. Area 3 remains largely as described in the FEIR, except that the previously existing buildings on the site have since been demolished, and only the surface parking lot remains. Since the time of the original approvals, the project sponsor has acquired an adjacent property to the west, 525 Howard Street (Block 3736, Lot 114), an approximately 10,230-sq ft concrete building on a level 8,250-sq ft site. The 525 Howard Street property is currently occupied by restaurant and nightclub uses. As indicated previously, the proposed modification would involve demolition of the 525 Howard Street building.

Area 3 and 525 Howard Street are entirely within the C-3-O(SD) (Downtown Office-Special Development) district. The C-3-O(SD) district is described in Planning Code Section 210.3 as consisting primarily of office development with an emphasis on finance, corporate headquarters, and service industries, and serving as a regional employment center. Permitted uses include retail sales and personal services uses. A floor-area-ratio (FAR) of 6:1 is permitted, which with obtainment of transfer of development rights (TDR), may reach a maximum FAR of 18:1, subject to applicable height and bulk limitations.

The site is located in an area characterized by a mix of office and industrial buildings with a predominance of office use. The property abuts Tehama Street to the south, a 35-foot-wide one-way street with parking on one side. Across Tehama Street is 234 First Street, aka the Phillips Building (APN 3736/006), a five story office building constructed in 1929. Behind the Phillips Building to the west is a 1,800-sq ft single-story wood structure, 19 Tehama, constructed in 1906 (APN 3736/079), proposed for demolition and replacement with a six-story mixed-use building (Planning Department Case File No. 2006.1419E)[5]. Adjacent to 19 Tehama to the west is a parking lot at 25 Tehama Street (APN 3736/078A). The property to the west of the modified project site is 527 Howard (APN 3736/083), a four story office/residential building constructed in 1906 which fronts on Howard Street. The rear half of the parcel is a fenced parking lot on Tehama Street. The northern edge of the project site fronts on Howard Street, an 82-foot 6-inch wide, three-lane one-way, west-bound, thoroughfare with a bike lane on the north side of the street and one-hour metered parking on both sides of the street. Across Howard Street is 500 Howard (APN 3721/119), a ten-story office building constructed in 2000 (Foundry Square Building 4), and 524 Howard (APN 3721/013), a parking lot that has been entitled for office development. To the east is First Street, an 82-foot, 6-inch wide, four-lane one-way, south-bound, thoroughfare with metered parking on both sides of the street and across First Street is 405 Howard Street (Foundry Square Building 2), a ten-story office building constructed in 2000. Diagonally across the First and Howard Streets intersection is 400 Howard Street (Foundry Square Building 1), a ten-story office building.

As discussed previously, the proposed project modification would expand Building 3 to include approximately 74,200 gsf more office space and 1,882 gsf less retail space than that which was analyzed for Building 3 in the FEIR, for a total of approximately 252,500 gsf of office and 9,518 gsf of retail. The Initial Study, published on March 27, 1999 (Appendix A to the FEIR), determined that the original project would be consistent with existing and planned land uses in the vicinity and would not have a substantial adverse effect on land use. A discussion of land use was included in the FEIR for informational purposes. The proposed modification would not introduce any new land uses and would result in a relatively minor increase in office use and decrease in retail use from that evaluated for the original project in the FEIR. The existing night club and pizza restaurant uses at 525 Howard Street would be discontinued. There are no policies to discourage the removal of these uses. The proposed modification, as with the original project, would have ground floor retail. Accordingly, the proposed project modification would result in similar less-than-significant land use, zoning, and plan consistency impacts as described in the Initial Study for the original project. Additionally, the removal of the existing tenants and discontinuation of interim uses at 525 Howard Street would not result in a significant land use impact.

The modified project would not result in the displacement of any Production, Distribution or Repair ("PDR") uses. As described above, the 525 Howard Street building is currently occupied by a pizza restaurant and nightclub that has been in operation for approximately 10 years. There is no record of recent PDR use on the property. 525 Howard Street is a one-story commercial structure. The surrounding area consists of a combination of older one- to five-story commercial buildings and contemporary five- to ten-story office and residential buildings in the C-3-O(SD) Downtown Office, Special Development District. The 525 Howard Street building does not have a truck door, and the elevation of Tehama Street is considerably higher than the ground floor. Accordingly, there is no feasible way to construct a back loading door, and Tehama Street is too narrow to allow trucks to park for loading activities. For this reason, the building is of limited utility for most PDR uses. It does not have any other special characteristics that would make it uniquely situated for PDR use and the C-3-O(SD) zoning on the site is not intended to provide opportunities for PDR use.

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[5] This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 2006.1419E.

Visual Quality/Urban Design

The Initial Study determined that visual quality impacts of the original project would not be significant; still, discussion of visual quality was included in the FEIR for informational purposes. The FEIR considered four representative locations, focusing on the major view corridors along First and Howard Streets (see FEIR pp. 62-70). The proposed project modification would not result in substantial changes to Building 3's original building envelope relative to the size of the original building and the entire four-building project. The proposed project modification involves the expansion of Building 3 such that its footprint (i.e., lot coverage) would be extended 48 feet westward, resulting in an additional 7,920-sq ft of building footprint area (within the 8,250 sq ft addition to Area 3), and its height would be raised by 3 feet 10 inches, for a total height of 160 feet 10 inches. This would result an accompanying increase in building bulk under the modified project. The modified project would provide fenestration openings on 77 percent of the building's west façade, compared to the original design that proposed 26 percent fenestration coverage, with a two-foot separation along the property's western edge. Therefore, the modified project, although slightly larger, would provide more fenestration than the original project evaluated in the Initial Study and FEIR. The modification would not substantially change the building envelope relative to the original project and would continue to be visually consistent with the dense urban mixed-use character found in the surrounding area of the project site. Therefore, the proposed project modification would result in less-than-significant impacts to aesthetics and visual character, similar to those identified for the original project.

Shadow

The Initial Study (FEIR Appendix A, p. A. 21) determined that the original project would not have a significant shadow effect under Planning Code Section 295 because it would not shade open spaces under the jurisdiction of the Recreation and Park Department. Shadow impacts on other public open space areas, streets, and sidewalks were described on FEIR pages 71-80 for informational purposes. The analysis concluded that in general the original project would not cast shadows to the southeast or southwest, but would shade areas to the northeast and northwest. Most shadows would extend approximately one-half block, with the longest shadows cast a little further than one block to the northeast across Beale Street. Shadows from the original project buildings would not impact open space at The Gap corporate headquarters, Rincon Point Park, the 100 First Street sun terrace, or the open space at 221 Main Street between the hours of 10:00 a.m. and 3:00 p.m., year-round. The FEIR concluded that the original project's buildings would shade the future corner plazas within the Foundry Square project at various times of the day.

With regard to the modified project, the proposed building envelope would be enlarged, with a 48 foot increase in the horizontal dimension to the west, and a height increase of 3 feet 10 inches. These relatively minor changes, with regard to shadow conditions, would not alter the conclusions of the environmental review. The nearest open space owned by, or under the jurisdiction of, the Recreation and Park Department and subject to Planning Code Section 295 is Justin Herman Plaza, five blocks north of the project site at the foot of Market Street on The Embarcadero (see FEIR Figure 1, page 32). The changes reflected in the proposed project modification would not cause Building 3 to cast shadow on this park or substantially increase shadow on the other public open spaces considered in the original shadow analysis, due to the presence of intervening buildings (including Foundry Square Buildings 1,2, and 4). Hence, the proposed modification would result in less-than-significant shadow impacts similar to those identified for the original project in the Initial Study and FEIR.

Wind

The impacts of the original project on wind were evaluated on pages 80-88 of the FEIR. The FEIR used as its significance criteria any resulting occurrence of wind speeds at or in excess of 26 miles per hour for a single full hour of the year. For the FEIR, a wind tunnel and a scale model of downtown San Francisco and the

South of Market area surrounding the project site were employed to study hypothetical worst-case scenarios for the original project's resulting wind effects. In addition, wind speed measurements were taken at 32 test locations surrounding the project site.

The FEIR analysis determined that the original project would not substantially change wind conditions in the area compared to existing conditions, with wind speeds ranges from 4 to 14 miles per hour over 10 percent of the time. The FEIR analysis determined that for both existing plus project and cumulative plus project conditions, maximum potential wind speed at any location would be 14 miles per hour. (FEIR Appendix B, pp. B. 9-10). The FEIR wind analysis also considered an alternative design that was somewhat taller than the proposed project, and drew substantially the same conclusions as those for the project (FEIR Appendix B, p. B. 12). In light of the relatively modest changes to the building footprint and height, existing conditions in the area, and results of the original wind study, the modified project does not have the potential to exceed the wind hazard criterion and would result in similar less-than-significant wind impacts as those outlined by the original project FEIR.[6]

Transportation

The transportation analysis for the original project found in the FEIR (pp. 88-126), is based on the Korve Engineering *Final Report First and Howard Street 1998.902E Transportation Study* dated September 10, 1999.[7] The original transportation study and FEIR transportation analysis assumed specific amounts and types of land uses in the original project based on the approximate gsf of uses. The FEIR identified significant, unavoidable project-specific and cumulative impacts to intersections in the project site vicinity. The FEIR analysis assumed the following trip generation rates: for retail, the p.m. peak hour vehicle trip generation would be 6 trips per 1,000 gsf; for office, the p.m. peak hour vehicle trip generation would be 1.54 trips per 1,000 gsf.[8]

Since preparation of the original transportation study, Buildings 1, 2, and 4 have been completed and a major reengineering and reconfiguring of the nearby I-80 elevated freeway's system of entrance and exit ramps has commenced. The additional buildings have resulted in incremental increases in the wait times for turning at associated nearby intersection as forecasted in the FEIR. The I-80 freeway entrance and exit ramp construction has marginally reduced the availability of area on-street parking. Transit passenger volumes are slightly lower than the numbers predicted by the FEIR, reflecting the general downward trend in Muni bus ridership system-wide. Also, the final office and retail composition and their resulting space occupancies within the existing Buildings 1, 2, and 4 are marginally different from original inputs used for the FEIR's transportation analysis.[9] The proposed project modification would additionally result in a greater quantity of office space and less retail space than assumed for Building 3 within the original transportation study. As such, DMJM Harris (the successor company to Korve Engineering) was retained to prepare a supplemental analysis to assess any transportation effects that might result from the proposed project modification. DMJM Harris submitted a memorandum that summarizes the findings of the supplemental analysis to the Department November 20, 2007.[10] The memorandum summarizes differences between the original project and the modified project, and also concludes that existing conditions are consistent with those predicted by the FEIR's transportation study, dated September 10, 1999.

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[6] *Supplemental Wind Analysis for Changes to the Building 3 Design,* by Donald Ballanti, certified Meteorologist, December 21, 2007. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[7] This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[8] Ibid. The trip generation assumptions are contained in Table 10 and Appendix F, pages F-6-F-10.

[9] As stated above, as compared to the FEIR analysis. the three buildings equal 942,405 gsf, or 705 gsf more office space than that evaluated in the FEIR (but within the gsf numbers approved by Motion Nos. 15005, 15006 and 16069) and 34,451 gsf, or 10,149 gsf less retail space than evaluated in the FEIR.

[10] Memorandum from Tim Erney and Ryan Niblock, DMJM Harris, to Bill Wycko, Planning Department, Foundry Square III Transportation Assessment, November 20, 2007. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

Traffic

The original transportation study and FEIR evaluated intersection operations at six intersections in the vicinity of the original project site using traffic counts collected in 1999. In addition, the original study evaluated intersection operations for future (year 2015) conditions by applying growth rates derived from the Metropolitan Transportation Commission's regional travel demand model to the traffic counts collected in 1999. To determine whether existing traffic volumes are consistent with those predicted in the original transportation study, actual 2007 traffic counts were compared with interpolated 2007 traffic volumes using the 1999 and 2015 volumes evaluated in the original transportation study. The supplemental DMJM Harris transportation analysis concluded that actual traffic counts collected in 2007 are generally marginally lower than 2007 volumes interpolated using the 1999 and 2015 traffic volumes predicted by the FEIR transportation study (pp. 1-2).

The project evaluated in the FEIR included the development of approximately 1,176,000 gsf of office and retail uses for Buildings 1-4. The sum of existing conditions, consisting of Buildings 1, 2 and 4 as-built, plus Building 3 as would be constructed under the proposed project modification, would result in approximately 1,238,874 gsf of office and retail uses, or an addition of 74,905 gsf of office and a reduction of 12,031 gsf of retail uses, for a net increase of 62,874 gsf of development from that evaluated in the FEIR. As summarized in the supplemental transportation analysis (Tables 6-10), the FEIR transportation study forecasted the original project to result in 447 peak hour vehicle trips. By comparison, the proposed project modification would result in 464 peak hour vehicle trips, or an increase in 17 peak hour vehicle trips.

The supplemental transportation analysis also considered whether the increase in 17 peak hour vehicle trips would change the Level of Service (LOS) findings presented by the FEIR transportation study (Tables 11-12). The supplemental transportation analysis concluded that there would be no significant increase in predicted turning signal delays as a result of the proposed project modification. Therefore, the proposed project modification would not result in a change of LOS levels from those predicted for the original project by the FEIR transportation study. Overall, the sum of existing conditions plus the proposed project modification would result in a marginal increase in driver delay and volume-to-capacity ratio as compared to the conditions shown in the FEIR transportation study for the original project. However, the increases in delay and volume-to-capacity ratio would be less that one percent for those intersections already operating at unacceptable conditions and, therefore, would not be considered a significant impact on the surrounding transportation network or a substantial change from the conclusions presented by the FEIR.

Transit Ridership

Within the FEIR's transportation study, a transit screenline analysis was performed for existing (1997/1998) and future (2015) conditions. Both local (MUNI) and regional (BART, AC Transit, Golden Gate Transit, Caltrain, and SamTrans) transit providers were evaluated. For the proposed project modification, the supplemental transportation analysis compared the most recently available transit information with interpolated transit ridership totals for the data assumed in the FEIR's transportation study. The most recently available ridership data for MUNI was collected in 2001 and 2002, and the most recently available ridership date for regional transit providers was collected in 2007.[11] As shown in the supplemental analysis, the existing ridership volumes are generally lower than the interpolated ridership totals predicted by the FEIR's transportation study. Additionally, the supplemental transportation analysis indicated that existing ridership trends show a slight decrease in passenger volumes, which combined with future forecasted Muni transit capacity, would not result in an appreciable contribution by the modified project to Muni transit's future passenger volumes. Therefore, the proposed project modification would not have a significant effect on transit, either in comparison to existing conditions or the FEIR's conclusions.

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[11] Ibid., Tables 2 and 3.

Parking

The supplemental transportation analysis also considered parking conditions throughout the area alongside those parking conditions presented in the FEIR's transportation study.[12] Field observations of existing conditions were conducted during the same midday period used by the FEIR transportation study (12:00 p.m. to 3:30 p.m.). One-hour and two-hour metered parking is available throughout the area, with spaces nearly 100 percent occupied, consistent with conditions presented in the FEIR. On roadways which lead to or from freeway ramps, parking is restricted during commute peak periods. The FEIR's transportation study reported approximately 8,627 off-street publicly accessible parking spaces in the area, with an average occupancy of 81 percent. Since the time of the FEIR transportation study, the area's off-street parking supply appears to have decreased, principally due to staging and construction activity associated with I-80; occupancy rates for area lots and garages appears to have risen to approximately 85 percent of capacity.[13] Therefore, the supplemental analysis concluded that, in general, existing on-street parking conditions are substantially the same as those presented within the FEIR's transportation study, while off-street parking conditions appear to be have slightly less vacancy rates.

Conclusion

Based upon the supplemental transportation analysis, the effects of the original project and the proposed project modification on traffic, transit, and parking would be substantially the same, and the modified project would result in similar impacts to those described by the FEIR. Therefore, due to the relatively minor differences in land use and intensity of development between the original project and the modified project, any impacts regarding loading, pedestrian, bicycle, and construction-related traffic associated with the proposed project modification would be expected to similar to those deemed less than significant by the FEIR.

Air Quality

The air quality analysis is contained in the FEIR (pp. 127-137). The FEIR identified significant, unavoidable project-specific and cumulative air quality impacts. Specifically, the FEIR concluded that project-generated traffic volumes would exceed the Bay Area Air Quality Management District's significance thresholds for regional emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x). As discussed above, the proposed project modification would result in an estimated peak hour vehicle generation increase of 17 trips. This marginal increase would not materially alter the analysis or change the conclusions of the FEIR regarding significant, unavoidable air quality impacts.

Cultural Resources

Archeology

The Initial Study included an analysis of archeological resources (FEIR Appendix A, pp. A. 42-44), which assumed that the original project would include excavation of the project site to a depth as great as 25 feet to accommodate foundations and subsurface parking facilities. The Initial Study concluded on the basis of the findings of an archeological consultant[14] that the original project had the potential to adversely affect prehistoric, Gold Rush period and 19th century industrial archeological resources. The Initial Study concluded that, with implementation of the archeological testing mitigation measure in the Initial Study, potential effects to archeological resources would be reduced to a less-than-significant level.

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[12] Ibid., Table 4.

[13] Ibid.

[14] Archival Cultural Resources Evaluation of the Proposed First and Howard Development Project, by Pastron, Allen, Archeo-Tec, 1999. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

The previously analyzed project has been revised: the project footprint has been expanded to include an adjoining 8,250-sq ft parcel and the project foundation support is expected to require excavation on the site to a depth of 15 feet below grade for a parking garage and for pile caps to a depth ranging from 19 feet to 27 feet below existing grade. In addition, soils disturbance would result from installation of a pile foundation. Therefore, the Planning Department reevaluated the modified project to determine whether the addition of the 525 Howard site and any newly available information regarding archeological deposits in the area would substantially alter the findings of the FEIR or its prescribed mitigation measure.[15]

Since certification of the FEIR, archeological investigations in Foundry Square Areas 1, 2, and 4 and elsewhere in the South of Market Area have confirmed the conclusions of the FEIR regarding the general archeological sensitivity of the project site for CEQA-significant prehistoric and historical archeological deposits. The proposed project modification would result in soils disturbance in an area and depth substantially conforming to that analyzed in the FEIR, and no potential effects to archeological resources have been identified that are qualitatively different than potential archeological effects identified in the FEIR.[16]

The archeological mitigation measure identified in the FEIR (Mitigation Measure G.17) was included as part of the original project's approval in 2000. The project applicant would continue to implement the measure as updated herein to reflect current Planning Department standards. Therefore, insofar as the modified project would observe the mitigation measure outlined below, the modified project would result in less-than-significant archeological impacts similar to the original project analyzed in the FEIR.[17] The updated measure is as follows:

> Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).
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> *Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be

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[15] Memorandum from Randall Dean, City Archeologist, to Jeremy Battis, *Archeological Evaluation for 505 & 525 Howard Street – First & Howard Streets Project*, April 8, 2008. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[16] Ibid.

[17] Ibid.

conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The

archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Section 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Historic Architectural Resources

The FEIR (pp. 138-150) evaluated historic architectural resources and identified three potential historic resources (231 First Street, 401 Howard Street, and 218 Fremont Street), all located in Area 2. The 231 First Street building was retained as part of the original project, and demolition of the other two structures was identified as a significant, unavoidable impact of the original project. The FEIR did not identify any historic resources in or adjacent to Area 3.

As described previously, the proposed project modification would expand the project site by adding Block 3736, Lot 114, the address of which is 525 Howard Street. The 525 Howard Street site contains a one-story 10,230-square foot concrete commercial building with stucco facade constructed in 1921. The Second and Howard Streets National Historic District boundary is located to the west of the subject property on the same block. However, the 525 Howard Street building is not located within the district and is not a contributor to the district. The New Montgomery-2nd Street Conservation District (Article 11 of the Planning Code) is located one block to the west of the 525 Howard Street site.

To fully evaluate the existing building at 525 Howard Street for its potential as a historic resource, the project sponsor prepared a *Supplemental Information Form for Historical Resource Evaluation* and supporting historic profile dated November 11, 2007.[18] The Planning Department subsequently issued a *Historic Resource Evaluation Response* (HRER) memorandum dated March 18, 2008[19] that determined that 525 Howard Street is not a historic resource.[20]

The Planning Department determined that the demolition of the existing building and the design of the new proposed building would not result in a significant adverse impact on the historic district or conservation district because the 525 Howard Street building lacks integrity (the ability of a property to convey its significance) for the reasons set forth in the HRER, namely that the "subject building's façade no longer retains its architectural integrity as a result of the removal all the original fenestration…[and] when compared to similar properties within nearby historic districts, the subject property dose not retain its identity that would associate it with the 1920's building boom in the South of Market area."[21] Accordingly, the proposed project modification would not have the potential to significantly adversely impact a historic resource, either individually or cumulatively, and therefore, would not change the conclusions of the FEIR with regard to historic resources.

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[18] This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[19] Memorandum from Mark Luellen, Preservation Coordinator, to Jeremy Battis, *Historic Evaluation Response for 525 Howard Street*, March 18, 2008. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E

[20] The existing 525 Howard Street building is rated a "C" in the Splendid Survivors historic architectural survey (1979, pre-alteration) and The California Historical Resources Information System (CHRIS) records denote it has having a "6" rating, *Determined Ineligible for the National Register.*

[21] Supra note 19.

Hazards

Hazardous Materials

The modified project site is not listed on the California Department of Toxic Substances Control Hazardous Waste and Substances Sites List; located in an area covered by Article 22A of the San Francisco Health Code; located within two miles of a public-use airport, or in an area covered by an airport land use plan; or within the vicinity of a private airstrip.

The modified project site is developed with a former light industrial building currently operating as a restaurant and night club and previously occupied by such businesses as a plumbing and boiler contractor, home elevator company, automobile repair facility, electric shop, and candle manufacturer. Based on its history of industrial uses, the project site was presumed to contain subsurface contamination associated with past chemical or petroleum hydrocarbon use or storage. Additionally, the area south and southwest of Market Street is known to contain fill materials from the Great Fire of 1906, and such fill may contain elevated concentrations of metal and petroleum hydrocarbons. The combined project site is relatively flat and groundwater has been detected at 8 and 15 feet below ground surface (bgs).[22],[23]

For the above reasons, an independent consultant study of hazard levels was commissioned for the original Area 3 project site at 505 Howard Street (aka 507 and 515 Howard Streets). This study produced Phase I and Phase II Environmental Site Assessments (ESAs).[24] The ESA evaluated the potential for adverse environmental impacts from the current and past activities at the site and in the surrounding area. The public records search conducted as part of the ESA revealed that, because of the history of industrial uses detailed above, the project site is highly likely to contain hazardous substances in concentrations exceeding levels exceeding State or federal hazardous waste criteria.

Completion of the 505 Howard Street Phase II investigations confirmed the presence of elevated levels of the metals lead and copper and polycyclic aromatic hydrocarbons (PAHs), occurring primarily in charred fill debris to a depth of 10 feet bgs. The Phase II found no documented history of chemical releases at the project site and no underground storage tanks (USTs) were discovered on the project site or on adjacent properties.[25] The San Francisco Department of Public Health (DPH), in a February 8, 2007 letter, approved a set of proposed mitigation measures ("site mitigation plan") for hauling and disposal of contaminated soil from the Area 3 site.[26]

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[22] *Phase I Environmental Site Assessment Club NV, 525 Howard Street,* February 2007. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[23] *Phase I and Preliminary Phase II Environmental Site Assessment Report for KSW Properties, First and Howard Streets,* January 4, 2000. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[24] Ibid.

[25] Supra note 22.

[26] *Addendum to Site Mitigation Plan, Sampling Plan for Parcels 3 and 4, Foundry Square, 505 Howard Street,* February 8, 2007 by Rajiv Bhatia, MD, DPH. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

To address the adjacent 525 Howard Street site, a Phase I Environmental Site Assessment was commissioned and submitted to the Department February 2007.[27] The Phase I found that, based on site observations and public records searches, there was no evidence of the site having a history of USTs or the significant potential for contamination of the site's soils. In the event that significant concentrations of contaminants were to be found on site in the course of soil sampling as required by the City's Maher Ordinance, the project applicant would enter the property into DPH's Voluntary Cleanup Program.[28] DPH, on April 30, 2008, approved the 525 Phase I with the condition that additional sampling of the 525 Howard site would be conducted in accordance with the provisions of the Maher Ordinance, and that in the event that site contaminants were discovered that differed markedly from those encountered at 505 Howard, an amended site mitigation plan would be required.[29]

In conclusion, the hazardous materials files associated with the project site and surrounding properties and the site inspection did not produce any information that would indicate that development of the project site would present a potential hazard and no further investigation of the subsurface environmental conditions at the project site was found to be necessary.

Because the general area south and southwest of Market Street is known to contain fill materials associated with the Great Fire of 1906,[30] and such fill may contain elevated concentrations of metal and petroleum hydrocarbons, soil excavated in the course of construction would be tested for metals and petroleum hydrocarbons to ensure their proper handling in the course of reuse or disposal. Since soil having hazardous concentrations of metals or petroleum hydrocarbons could be encountered during site development, the modified project could result in a potentially significant hazardous materials impact associated with the exposure risks of handling contaminated soil. Therefore, the FEIR (pp. 160-161) included a mitigation measure (Mitigation Measure F.15.a.) to require soil testing (described above in Hazards section), and if applicable, a mitigation plan and handling/hauling/disposal plan that would remediate the soil on the project site, if required, to residential levels. With the implementation of this mitigation measure, the proposed construction at the project site would not have the potential to pose a direct (through soil remediation, if required) or indirect (through transport and accidental release of contaminated soils) public health hazard to the surrounding neighborhood and would reduce this impact to a less-than-significant level.

Hazardous Building Materials

Building Asbestos. Due to the age of the existing building, asbestos-containing materials may be found within the existing building proposed for demolition. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the State of California with the authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is the applicable agency to be notified ten days in advance of any proposed demolition or abatement work.

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[27] *Phase I Environmental Site Assessment, Club NV, 525 Howard Street,* February 2007 by Davis Polk & Wardwell. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E

[28] Ibid.

[29] Email memorandum from Stephanie Cushing, DPH, to Chuck Noll, Wilson Meany, *Re: FW: 525 Howard Street,* April 30, 2008 This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[30] Department of Public Health, Environmental Health Hazardous Waste Program, Maher Sites Map available at http://www.sfdph.org/eh/ChemHz/HazWaste/Site_Mit/MaherMap.htm.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished or altered including its size, age and prior use, and the approximate amount of friable (subject to crumbling) asbestos; anticipated start and completion dates of demolition or abatement; the nature of planned work and methods to be employed; other procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District would inspect any removal operation for which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the Department of Building Inspection (DBI) would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures, already established as a part of the permit review process, would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level.

Lead-Based Paint. Because of the age of the existing building at 525 Howard Street, which would be demolished under the modified project, it may contain lead-based interior or exterior paint. Demolition must comply with Chapter 34, Section 3407 of the San Francisco Building Code, and Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on any building built on or before December 31, 1978, or any steel structures to which lead-based paint disturbance or removal would occur, and exterior work would disturb more than 100 square or linear feet of lead-based paint, Chapter 34 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 34 contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Residential Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of work debris beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project modification. Prior to commencement of work, the responsible party must provide written notice to the Director of the Department of Building Inspection of the location of the modified project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include a Posting Sign when containment is required, Notice by Landlord, Required Notice to Tenants, Availability of pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead-Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures established by the San Francisco Building Code would ensure that potential impacts associated with lead-based paint disturbance during construction activities would be reduced to a less-than-significant level.

Other Issues

The Initial Study for the original project determined that for the following topics, any environmental effects associated with the original project would either be insignificant or would be reduced to a less-than-significant level by implementation of the mitigation measures included in the original project: population, noise, odors, utilities/public services, biology, geology/topography, water, energy/natural resources, hazards and archeological resources. Therefore, the FEIR did not discuss these issues. The Initial Study found that the original project would not result in significant land use, shadow, or visual impacts. However, discussion of these topics was provided in the FEIR for informational purposes. The Initial Study, including the significance conclusions reached therein, remains applicable to the modified project and all mitigation and improvement measures from the Initial Study and the FEIR would be applied to the proposed project modification, as appropriate.

On May 23, 2006 the Board of Supervisors adopted Ordinance 116-06, directing the Planning Department to apply a CEQA Initial Study Checklist drawn from Appendix G of the State CEQA Guidelines. Accordingly, the Department recently developed a new Initial Study Checklist, consistent with Appendix G but also incorporating additional questions specific to San Francisco's urban environment. The new checklist includes topics and questions not addressed in the original project's Initial Study published March 27, 1999. The following discussion provides information about the proposed project modification's effects on those items included in the new checklist.

Transportation

The proposed project modification would not change air traffic patterns, and would not create substantial air traffic safety risks. The proposed project modification would not adversely affect any LOS standards established by the San Francisco Transportation Authority. The proposed project modification would not conflict with adopted policies, plans, or programs supporting alternative transportation. Similarly, the proposed project modification would not have unusual characteristics or particular design features that would increase traffic hazards substantially. Furthermore, the proposed project modification would not create a significant emergency access impact because there would be no change to existing streets and existing access to the project site from both First and Howard Streets would be preserved. Therefore, transportation impacts of the modified project would be less than significant.

Noise

Because the project site is not within an airport's land use plan or near a private airstrip, the proposed project modification would not subject users of the project site to airport-related noise. With respect to vibration resulting from piledriving, the project sponsor would require project construction contractor(s) to pre-drill holes to the maximum depth feasible on the basis of soil conditions. Contractors would be required to use construction equipment with state-of-the-art noise shielding and muffling devices pursuant to FEIR Mitigation Measure C.9. The project sponsor would also require that contractors would schedule piledriving activity for times of the day that would be consistent with the Noise Ordinance as specified by

FEIR Mitigation Measure C.9. Therefore, the project modification would not create unusual levels of ground-borne vibration that could disturb nearby residents or businesses, and vibration impacts would be less than significant.

Recreation

Open space in the vicinity of the project site consists of both private and publicly-accessible plaza and sitting areas associated with buildings such as 100 First Street and 221 Main Street (see FEIR Figure 16, p. 73). The 100 First Street building includes an elevated sun terrace mid-block between Mission and Minna Streets, southwest of First Street. 221 Main Street includes a widened sidewalk and private rooftop open space above the podium level fronting Main Street.

Major public open spaces in the area include Rincon Point Park, an approximately three-acre public open space under the jurisdiction of the Redevelopment Agency, located between Howard and Harrison Streets, between The Embarcadero and the Herb Caen Way pedestrian promenade along San Francisco Bay, about four blocks northeast of the project site. The nearest open space owned by, or under the jurisdiction of, the Recreation and Park Department is Justin Herman Plaza, five blocks north of the project site at the foot of Market Street on The Embarcadero.

The proposed project modification would provide about 6,940 square feet of publicly-accessible open space as opposed to 6,500 square feet of open space proposed for the Building 3 in the FEIR (see FEIR Table 1, p. 36). The modification would also be located within walking distance of the above-noted parks and open spaces, resulting in convenient access to private and public open space for its employees and visitors. The proposed project modification would not substantially increase demand for or use of neighborhood parks or citywide facilities, such as Golden Gate Park, in a manner that would cause substantial physical deterioration of these facilities. The proposed project modification's impact on existing recreational facilities would be less than significant.

Utilities and Public Services

As described in the Initial Study, the utilities and public services needs of the proposed project modification would not require new or substantially expanded infrastructure to maintain service standards. Existing water supply resources would accommodate drinking water and wastewater demand. Solid waste generated as a result of the proposed project modification would be recycled as practicable at the Norcal transfer station, with non-recyclables discarded at the Altamont Landfill where adequate capacity exists to serve the needs of San Francisco. The proposed project modification would comply with federal, state, and local statutes and regulations related to solid waste. Meeting public service demand for police, fire, schools, parks, or other services would not require new or expanded governmental facilities to accommodate the needs of proposed project modification. Therefore, the modified project's impacts on utilities and public services would be less than significant.

Biological Resources

The project site is completely covered by an existing asphalt parking lot or the building located at 525 Howard Street. No rare, threatened, special-status, candidate, sensitive, or endangered species or related habitat exists on the project site. The project site is in a densely developed urban area and does not support or provide habitat for rare or endangered wildlife species, animal, or plant life or habitat (including riparian or wetland habitat), nor would it interfere with resident or migratory species habitat. The project site is not contained within a Habitat, or Natural Community Conservation Plan area.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees, including street trees, is implemented. *DPW Code* Section

8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively known as "protected trees" located on private and public property.

There are no trees and minimal landscaping on the project site. There are four street trees adjacent to the project site along First Street and two street trees along Howard Street. DPW requires that any adjacent street trees be protected during construction and that street trees be added as a project component as feasible along certain streets. The modified project would impact the six existing street trees and therefore would provide five new 48-inch box street trees along Howard Street and five new 48-inch box street trees along First Street. The final number, species, and siting of replacement street trees, and associated street tree protection measures to be implemented over the duration of construction activity would be subject to review and approval by DPW. As such, the proposed project modification would comply with the local tree preservation ordinance. In light of the above, the modified project's environmental effects related to biology would not be significant.

Hydrology and Water Quality
The project site is not located near the course of a stream or river and is completely covered by the existing building and paved parking lot. The proposed project modification would therefore not substantially change the amount of impervious surface area, or significantly alter the drainage pattern on-site. Similarly, it would not measurably affect related levels of stormwater runoff or ground water recharge on-site, nor substantially increase the demand for stormwater treatment or stormwater capacity needs in the project area. During construction and operation, project-related wastewater and stormwater would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Although the proposed development would increase demand for wastewater treatment, it would be within the capacity of the Southeast Water Pollution Control Plant. During construction and operation, the proposed project modification would be required to comply with all local wastewater discharge and water quality requirements. For all the above reasons, the proposed project modification would not generate or result in a discharge that would have the potential to degrade water quality, contaminate a public water supply, or violate water or wastewater discharge requirements.

San Francisco is not located within a designated 100-year floodplain, nor is the project site an area subject to tsunami run-up, or reservoir inundation hazards (Maps 6 and 7 in the Community Safety Element of the *General Plan*).

For the foregoing reasons, the modified project's impact on hydrology and water quality would be less than significant.

Construction Activities
Construction of the proposed project modification would involve demolition, excavation, soil stockpiling, grading, and construction of a new office and retail use building. These activities could cause erosion and transportation of soil particles that, once in surface water runoff, could cause sediment and other pollutants to leave the site and ultimately affect the water quality of San Francisco Bay. During construction, requirements to reduce erosion would be implemented pursuant to California Building Code Chapter 33, Excavation and Grading. Any stormwater runoff generated as a result of the proposed development would be directed to the City's combined sewer and stormwater system and would be treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant prior to discharge.

Construction of the proposed building, which would be partially below grade, would require excavation to a depth of approximately fifteen feet below ground surface with a variable depth of 18 to 20 feet bgs.[31] The Phase II subterranean investigation conducted soil borings for the original project site and encountered free groundwater between 8 feet and 15 feet bgs.[32] Therefore, given the excavation depth of the modified project, dewatering would likely be necessary. Any groundwater encountered during construction of the modified project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the wastewater system. The Bureau of Systems Planning, Environment and Compliance of the San Francisco Public Utilities Commission must be notified of projects necessitating dewatering, and may require water analysis before discharge. In light of the above, the modified project would not result in significant impacts related to hydrology and water quality.

Evacuation, Emergency Response and Fire Safety
The modified project, an infill mixed-use development, would not interfere with existing emergency response or evacuation plans. San Francisco ensures fire safety primarily through provisions of the Building and Fire Codes. In addition, the San Francisco Fire Department (as well as DBI) reviews the final building plans for any new residential project greater than two units, in order to ensure conformance with these provisions including the development of an emergency procedure manual and an exit drill plan. In light of the above, the modified project would not result in significant impacts related to fire hazards or emergency response procedures.

Mineral and Energy Resources

Mineral Resources. All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ and thus, the site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the proposed project. There are no operational mineral resource recovery sites in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project. Therefore, criteria 16a and 16b are not applicable to the proposed project.

Energy Resources. San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem may be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of a statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the modified project would not result in a significant physical environmental effect or contribute to a cumulative impact.

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[31] *Geotechnical Investigation, First and Howard Project.* Prepared by Treadwell & Rollo, May 16, 2000. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E.

[32] Supra note 14.

Agricultural Resources

The project site is developed and is located in the City and County of San Francisco, an urban area, and therefore not agricultural in nature. The California Department of Conservation's Farmland Mapping and Monitoring Program does not identify any land in the County as agricultural in nature. Because the project site does not contain agricultural uses and it is not zoned for such uses, the proposed project modification would not convert any prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use, and would not conflict with any existing agricultural zoning or Williamson Act contracts.[33] Accordingly, this topic is not applicable to the project site.

Growth Inducement

Growth inducement under CEQA considers the ways in which proposed projects could promote economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Projects that are traditionally or most commonly considered growth inducing are those that would remove obstacles to population growth (for example, a major expansion of a wastewater treatment plant may allow more construction in its service area, or a new freeway may allow growth at freeway exits).

Growth is an inherent result of the proposed project modification. The modified project would alter the land use, density, and character of the area by developing new office and retail uses. However, in light of the small incremental increase in square footage and associated employment, the proposed project modification would result in similar less-than-significant growth inducement impacts as described in the FEIR for the original project.

Air Quality

Greenhouse Gases. Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been identified as a primary contributor to the trend of global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO_2), methane, and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.[34] Secondary effects are likely to include global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

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[33] San Francisco is identified as "Urban and Built Up Land" on the California Department of Conservation *Important Farmland of California Map*, 2002. This map is available for viewing on-line at the Department of Conservation website (www.consrv.ca.gov).

The California Energy Commission (CEC) estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide-equivalent GHG emissions.[35] The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.[36] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.[37]

Statewide Actions. In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Arnold Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.[38]

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff is recommending a total of 44 discrete early action measures.[39] Measures that could become effective during implementation of the modified project could apply to construction-related equipment operations. Some early action measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Applicable early action measures that are ultimately adopted will become effective during implementation of modified project and could be subject to these requirements, depending on the modified project's timeline.

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[34] California Air Resources Board (ARB), 2006a. Climate Change website (http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf) accessed December 4, 2007.

[35] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

[36] California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report*, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: http://www.arb.ca.gov/cc/ccei/emsinv/emsinv.htm.

[37] BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002*, November 2006. Available on the internet at: http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

[38] There are 12 exceptions to this requirement (e.g., emergency situations, military, adverse weather conditions, etc.), including: when a vehicle's power takeoff is being used to run pumps, blowers, or other equipment; when a vehicle is stuck in traffic, stopped at a light, or under direction of a police officer; when a vehicle is queuing beyond 100 feet from any restricted area; or when an engine is being tested, serviced, or repaired.

[39] California Air Resources Board, *Draft Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration*, September 2007.

Local Actions. San Francisco has a history of environmental protection policies and programs aimed at improving the quality of life for San Francisco's residents and reducing impacts on the environment. The following plans, policies and legislation demonstrate San Francisco's continued commitment to environmental protection.

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions.[40] The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent greenhouse gas reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions are now in progress.

LEED Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment code, requiring all new municipal construction and major renovation projects to achieve LEED Silver Certification from the US Green Building Council.

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

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[40] San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco,* Local Actions to Reduce Greenhouse Emissions, September 2004.

The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED Gold Certification.

Each of the policies and ordinances discussed above include measures that would decrease the amount of greenhouse gases emitted into the atmosphere and decrease San Francisco's overall contribution to climate change.

Impacts. The modified project would increase the intensity of use at the project site via development of a new 10-story, approximately 262,018-gsf office and retail building. Therefore, the modified project would contribute to long-term increases in GHGs as a result of traffic increases (mobile sources) and commercial operations associated with heating, energy use, and solid waste disposal (area sources).

Direct project emissions of carbon dioxide equivalents (CO_2-eq) (including CO_2, NO_x, and CH_4 emissions) include 893.06 tons of CO_2-eq/ year from transportation and 225.86 tons of CO_2-eq /year from natural gas combustion, for a total of 1,118.92 tons of CO_2-eq/year of project-emitted GHGs.[41] The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 1,391.94 tons of CO_2-eq/year) and from anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 10.51 tons of CO_2-eq/ year), for a GHG emissions total of approximately 2,521.37 tons of CO_2-eq/year.[42] This represents approximately 0.0000295 percent of total Bay Area GHGs emitted in 2002.[43]

The project's incremental increases in GHG emissions associated with traffic increases and commercial heating, electricity use, and solid waste disposal would contribute to regional and global increases in GHG emissions and associated climate change effects. Neither the BAAQMD nor any other agency has adopted significance criteria or methodologies for estimating a project's contribution of GHGs or evaluating its significance. However, the modified project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the modified project conflict with San Francisco's local actions to reduce GHG emissions particularly in comparison to the original project.

In recognition of the importance of climate change and its impacts on the environment, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.[44] The modified project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General's office: (1) As infill development, the project would be constructed in an urban area with premium transit access, thereby reducing vehicle trips and vehicle miles traveled. As such, the project's transportation-related GHG emissions levels would be expected to be considerably lower than other Bay Area employment centers which do not have convenient transit service;[45] (2) As new construction, the modified project would be required to meet

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[41] Memorandum from Jessica Range, Environmental Planner, to Jeremy Battis and Caroline Guibert, *Greenhouse Gas Calculation Methodology for 505-525 Howard Street – Foundry Square*, May 9, 2008. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, Calif. 94103, as part of Case File No. 1998.902E

[42] Ibid.

[43] The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO2-eq tons.

[44] State of California, Department of Justice, *The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level*. Updated March, 11, 2008. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf. Accessed April 11, 2008.

[45] The California Air Pollution Control Officer's, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30%). This paper is available online at:

California Energy Efficiency Standards for Residential and Nonresidential Buildings, thereby reducing future energy demand as well as reducing the project's contribution to cumulative regional GHG emissions; (3) the modified project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring that at least 65 percent of all construction and demolition material be diverted from landfills; and (4) the modified project would replace six existing street trees with ten new street trees, regulating outdoor temperatures and aiding in carbon sequestration.[46]

Additionally, through the requirements of LEED Gold Certification and the project's "green" building components, GHG emissions associated with the modified project's space heating and electricity generation would be reduced by approximately 22 percent compared to non-LEED building baseline estimates.

In light of the above, state and local efforts to reduce greenhouse gas emissions, and in recognition of the modified project's LEED Gold merits, the modified project would not result in a substantial quantity of new greenhouse gas emissions or contribute significantly to global climate change. Therefore, the modified project would result in a less-than-significant project-specific impact and a less-than-significant cumulative impact on climate change. Additionally, and as stated above, the incremental effect of the modified project would not be cumulatively considerable and would therefore be less-than-significant

CONCLUSION

Based on the foregoing, the Department concludes that the analyses conducted and the conclusions reached in the FEIR certified on January 13, 2000 remain valid, and that no supplemental environmental review is required for the proposed project modification. The proposed project modification would not cause new significant impacts not identified in the FEIR, or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the original project that would cause significant environmental impacts to which the proposed project modification would contribute considerably, and no new information has been put forward which shows that the modified project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

Date of Determination:

June 5, 2008

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

BILL WYCKO
Acting Environmental Review Officer

cc:

Chuck Noll, Wilson Meany Sullivan
Bulletin Board / Master Decision File

Chris Daly, Supervisor, District 6
Distribution List

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http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf. Accessed April 15, 2008.

[46] Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

SEAL OF THE CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO
PLANNING DEPARTMENT

MEM

Historic Resource Evaluation Response

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MEA Planner:	Jeremy Battis
Project Address:	**525 Howard Street**
Block/Lot:	3736/114
Case No.:	**TBD**
Date of Review:	**REVISED** March 18, 2008
Planning Dept. Reviewer:	Mark Luellen (415) 558-6478 I mark.luellen@sfgov.org

PROPOSED PROJECT

☒ Demolition ☐ Alteration

PROJECT DESCRIPTION

The proposed project includes the demolition of an existing one-story concrete commercial structure with stucco facades, a stepped parapet above a molded cornice and industrial sash windows in semi-circular arched fenestration. The subject parcel will be part of an the already approved Foundry Square project which includes four separate buildings at the corners of First and Howard Streets. Buildings 2 and 3 have been constructed, Building 1 is now under construction and Building 3 has not yet to be constructed and is the subject of this memo. The proposed project would include 252,785 gsf of office and 9,518 gsf of retail space and be 160 feet tall.

PRE-EXISTING HISTORIC RATING / SURVEY

The building is rated a "C" in Splendid Survivors (1979) (pre-alteration) and CHRIS records indicate that it is a "6" *Determined ineligible for the National Register*. The Second and Howard Streets National Register District boundary is to the west of the subject property on the same Assessor's Block however it is not included in this documented district. The New Montgomery-2nd Street Conservation District (Article 11 of the Planning Code) is one block to west of the subject property. A draft DPR 523 A and B form have been prepared as part of the Transbay Center Plan Area historic resource survey. The subject building shares the same historic context as the buildings documented in the Second and Howard National Register District as well as the Article 11 New Montgomery -2nd Street Conservation District.

HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The property is located in an area with a mix of office and industrial buildings, with many industrial buildings recently converted to office or residential use. The nearby Second and Howard Streets Historic District and New Montgomery-2nd Street Conservation District consists of small and medium sized masonry buildings constructed between 1906 and 1912. The Districts are significant for their associations with the reconstruction of downtown San Francisco after the 1906 earthquake and fire.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

Event: or	☒ Yes	☐ No	☐ Unable to determine
Persons: or	☐ Yes	☒ No	☐ Unable to determine
Architecture: or	☒ Yes	☐ No	☐ Unable to determine
Information Potential:	☐ Further investigation recommended.		
District or Context:	☒ Yes, may contribute to a potential district or significant context		

If Yes; Period of significance: 1906-1930

2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location:	☒ Retains	☐ Lacks	**Setting:**	☒ Retains	☐ Lacks
Association:	☒ Retains	☐ Lacks	**Feeling:**	☒ Retains	☐ Lacks
Design:	☐ Retains	☒ Lacks	**Materials:**	☐ Retains	☒ Lacks
Workmanship:	☐ Retains	☒ Lacks			

The subject building's façade no longer retains its architectural integrity as a result of the removal of all the original fenestration to create an outdoor patio area when the building was converted to a night club after 1982. When compared to similar proprieties within the nearby historic districts, the subject property does not retain its identity that would associate it with the 1920's building boom in the South of Market area.

3. **Determination** **Whether the property is an "historical resource" for purposes of CEQA**

☒ No Resource Present *(Go to 6. below)*   ☐ Historical Resource Present *(Continue to 4.)*

4. **If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).**

☐ The project appears to meet the Secretary of the Interior's Standards. *(Go to 6. below)*

Optional: ☐ See attached explanation of how the project meets standards.

☐ The project is NOT consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. *(Continue to 5. if the project is an alteration)*

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5. **Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.**

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6. **Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.**

☐ Yes ☒ No ☐ Unable to determine

Notes: The subject property is located adjacent to a historic and conservation district; however it will not impact the integrity of either area.

PRESERVATION COORDINATOR REVIEW

Signature: ______________________ Date: 3-18-08

Mark Luellen, *Preservation Coordinator*

CC:

Sonya Banks, *Recording Secretary*, Landmarks Preservation Advisory Board
Virnaliza Byrd / Historic Resource Impact Review File

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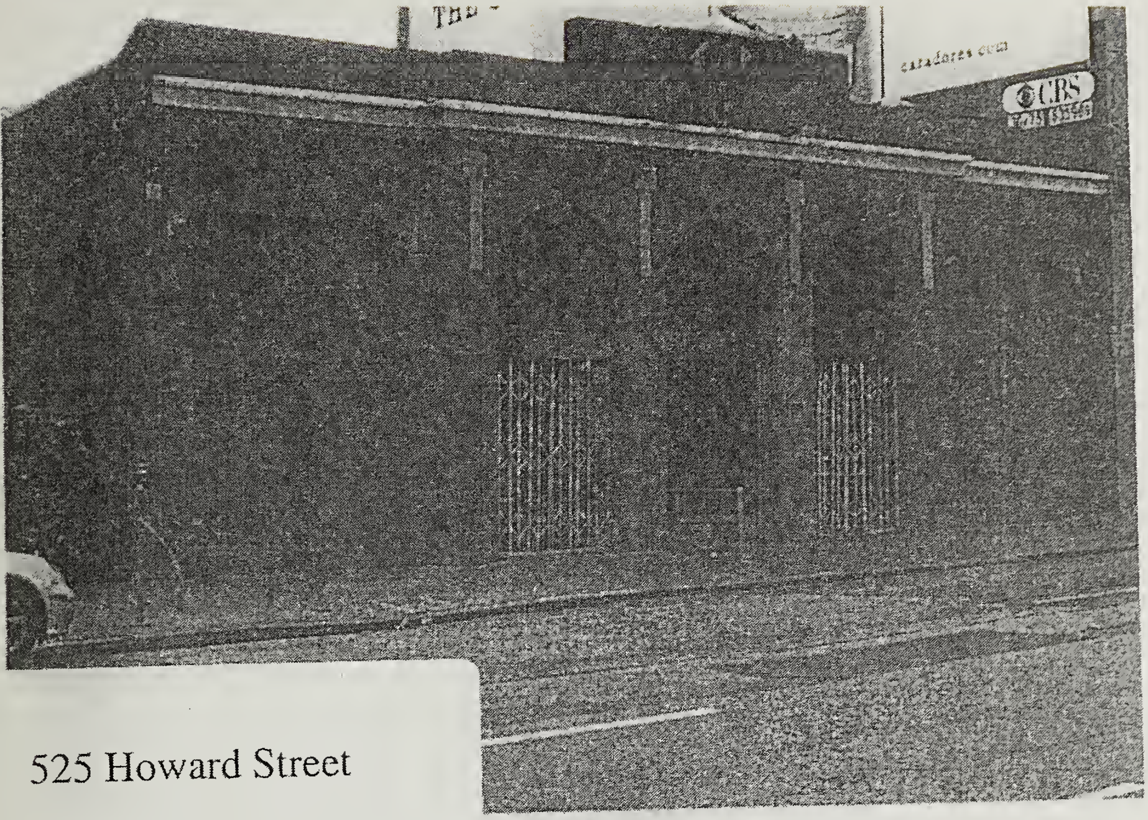
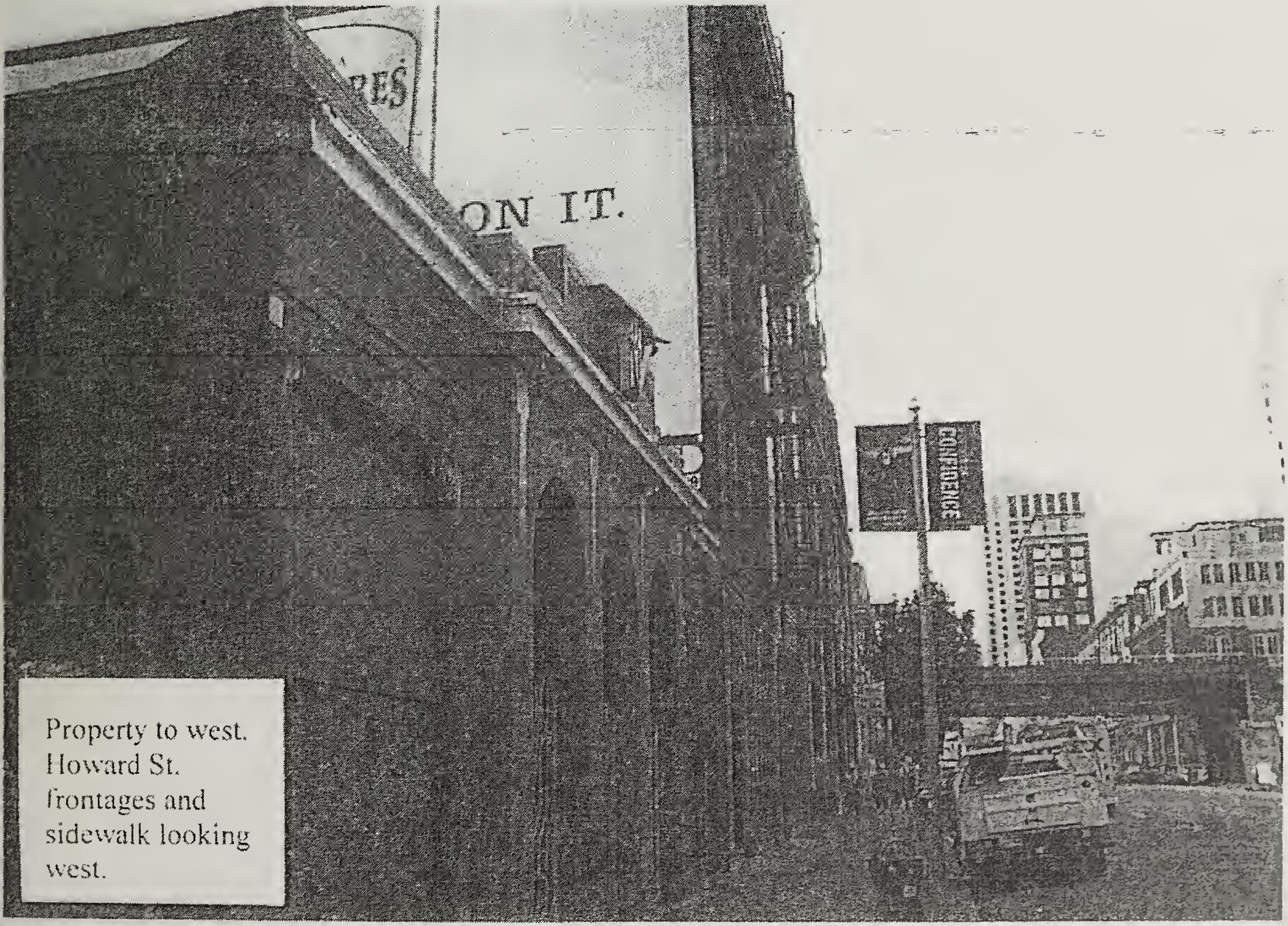


525 Howard Street



Property to west. Howard St. frontages and sidewalk looking west.